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Attorneys for Complainant

BEFORE THE
PHYSICAL THERAPY BOARD
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA

In the Matter of the Accusation Against:

Case No. 1D-2000-62462

MARY BETH KIEFER
1722 J Street, Suite 17A
Sacramento, CA 95814

Physical Therapy License No. PT-19549,

Respondent.

**STIPULATED DECISION AND
DISCIPLINARY ORDER**

IT IS HEREBY STIPULATED AND AGREED by and between the parties to the above-entitled proceedings that the following matters are true:

1. An Accusation in case number 1D-2000-62462, was filed with the Physical Therapy Board of California, Department of Consumer Affairs (the "Board") on September 9, 2003, and is currently pending against Mary Beth Kiefer (hereinafter the "respondent").

2. At all times relevant herein, respondent has been licensed by the Physical Therapy Board of California under Physical Therapist License No. PT-19549, issued by the Board to respondent on or about January 4, 1994. Said license will expire on March 31, 2005, unless it is renewed.

3. The Accusation, together with all statutorily required documents, was duly served on the respondent on or about September 9, 2003, and respondent filed her Notice of Defense contesting the Accusation on or about September 12, 2003. A copy of Accusation No. 1D-2000-62462, is

1 attached as Exhibit A and hereby incorporated by reference as if fully set forth.

2 4. The Complainant, Steven K. Hartzell, is the Executive Officer of the Physical Therapy
3 Board of California and brought this action solely in his official capacity. The Complainant is
4 represented by the Attorney General of California, Bill Lockyer, by and through Deputy Attorney
5 General Mara Faust.

6 5. Respondent, Mary Beth Kiefer, P.T., is represented in this proceeding by attorney Steven
7 B. Bassoff, whose address is 2000 "O" Street, Suite 250, Sacramento, CA 95814.

8 6. Respondent has received and read Accusation No. 1D-2000-62462 and has fully
9 discussed it with her counsel.

10 7. Respondent understands the nature of the charges alleged in the Accusation and that, if
11 proven at hearing, the charges and allegations would constitute cause for imposing discipline upon
12 her license. Respondent is fully aware of her right to a hearing on the charges contained in the
13 Accusation, her right to confront and cross-examine witnesses against her, her right to the use of
14 subpoenas to compel the attendance of witnesses and the production of documents in both defense
15 and mitigation of the charges, her right to reconsideration, appeal and any and all other rights
16 accorded by the California Administrative Procedure Act and other applicable laws. Respondent
17 knowingly, voluntarily and irrevocably waives and gives up each of these rights.

18 7. This stipulation resolves and settles a disputed matter. The admission herein is limited
19 to this proceeding and any subsequent proceeding between the parties. Respondent acknowledges
20 that she shall not be permitted to withdraw from this stipulation unless it is rejected by the Physical
21 Therapy Board of California.

22 8. Complainant amends the fifth, ninth, thirteenth and sixteenth causes for discipline to read
23 that respondent's employment of physical therapy assistants in the treatment of the patients
24 constituted inadequate supervision in violation of Title 16 C.C.R. section 1389.44. Respondent
25 admits that she engaged in conduct that constitutes grounds for discipline in California, under Title
26 16 C.C.R. section 1389.44, as alleged in the fifth, ninth, thirteenth and sixteenth causes for discipline
27 in Accusation No. 1D-2000-62462 and respondent agrees that she has thereby subjected her license
28 to disciplinary action. Respondent agrees to be bound by the Board's Disciplinary Order as set forth

below.

9. Based on the foregoing admissions and stipulated matters, the parties agree that the Board shall, without further notice or formal proceeding, issue and enter the following order:

DISCIPLINARY ORDER

Based on the foregoing recitals, IT IS STIPULATED AND AGREED THAT, Mary Beth Kiefer, P.T., holder of Physical Therapy License No. PT-19549, shall have her Physical Therapy License revoked, with the revocation stayed, and she will be placed on three (3) years probation with the following terms and conditions:

1. License Suspension. The respondent's PT License shall be suspended for five days and due to mitigating circumstances, that suspension shall be stayed.

2. Cost Recovery. The respondent will be ordered to reimburse the Board the actual and reasonable investigative and prosecutorial costs incurred by the Board in the amount of \$4,430.00. However, should the respondent pay \$2,500.00 within thirty days of the effective date of this decision, the balance of \$1,930.00 will be waived by the Board.

The respondent will normally be ordered to make the reimbursement within 30 days from the effective date of the decision unless the Board agrees in writing to payment by an installment plan (such as monthly for a year). Failure to make the ordered reimbursement, or any agreed upon payment, may constitute a violation of the probation order.

3. Obey All Laws. Respondent shall obey all federal, state and local laws, and statutes and regulations governing the practice of physical therapy in California.

4. Compliance With Orders of a Court. The respondent shall be in compliance with any valid order of a court. Being found in contempt of any court may constitute a violation of probation.

5. Compliance With Criminal Probation and Payment of Restitution. Respondent must not violate any terms and conditions of criminal probation and be in compliance with any restitution ordered.

6. Quarterly Reports. Respondent shall submit quarterly declarations under penalty of perjury on forms provided by the Board, stating whether there has been compliance with all the conditions of probation.

1 7. Probation Monitoring Program Compliance. Respondent shall comply with the Board's
2 probation monitoring program.

3 8. Interview With the Board or its Designee. Respondent shall appear in person for
4 interviews with the Board, or its designee, upon request at various intervals and with reasonable
5 notice.

6 9. Notification of Probation Status to Employers. The respondent shall notify all present
7 or future employers of the reason for and the terms and conditions of the probation by providing a
8 copy of the accusation and the stipulated settlement to the employer. The respondent shall obtain
9 written confirmation from the employer that the documents were received. If the respondent
10 changes, or obtains additional employment, the respondent shall provide the above notification to
11 the employer and submit written employer confirmation to the Board within 10 days. The
12 notification(s) shall include the name, address and phone number of the employer, and, if different,
13 the name, address and phone number of the work location.

14 10. Notification of Change of Name or Address. The respondent shall notify the Board,
15 in writing, of any and all changes of name or address within ten days.

16 11. Prohibited Use of Aliases. Respondent may not use aliases and shall be prohibited from
17 using any name which is not her legal-recognized name or based upon a legal change of name.

18 12. Work of Less Than 20 Hours Per Week. If the respondent works less than 192 hours
19 in a period of three months, those months shall not be counted toward satisfaction of the
20 probationary period. The respondent shall notify the Board if they work less than 192 hours in a
21 three month period.

22 13. Tolling of Probation. The period of probation shall run only during the time respondent
23 is practicing within the jurisdiction of California. If, during probation, respondent does not practice
24 within the jurisdiction of California, respondent is required to immediately notify the probation
25 monitor in writing of the date that respondent's practice is out-of-state, and the date of return, if any.
26 Practice by the respondent in California prior to notification to the Board of the respondent's return
27 will not be credited toward completion of probation. Any order for payment of cost recovery shall
28 remain in effect whether or not probation is tolled.

1 14. Violation of Probation. If respondent violates probation in any respect, the Board, after
2 giving respondent notice and the opportunity to be heard, may revoke probation and carry out the
3 disciplinary order that was stayed. If an accusation or petition to revoke probation is filed against
4 respondent during probation, the Board shall have continuing jurisdiction until the matter is final,
5 and the period of probation shall be extended until the matter is final.

6 15. Cease of Practice Due to Retirement, Health or Other Reasons. Following the effective
7 date of this probation, if respondent ceases performing as a physical therapist due to retirement,
8 health or other reasons respondent may request to surrender her license to the Board. The Board
9 reserves the right to evaluate the respondent's request and to exercise its discretion whether to grant
10 the request, or to take any other action deemed appropriate and reasonable under the circumstances.
11 Upon formal acceptance of the tendered license, the terms and conditions of probation shall be tolled
12 until such times as the license is no longer renewable, the respondent makes application for the
13 renewal of the tendered license or makes application for a new license.

14 16. Completion of Probation. Upon successful completion of probation, respondent's
15 license or approval shall be fully restored.

16 17. Written Exam on the Laws Regulations Governing the Practice of Physical Therapy.
17 Within 90 days of the effective date of this decision, respondent shall take and pass the Board's
18 written examination on the laws and regulations governing the practice of physical therapy in
19 California. If respondent fails to pass the examination, respondent shall be suspended from the
20 practice of physical therapy until a repeat examination has been successfully passed.

21 18. Practice or Performance of Physical Therapy While on Probation. It is not contrary to
22 the public interest for the respondent to perform physical therapy under the probationary conditions
23 specified in the disciplinary order.

24 19. Restriction of Practice. Within 30 days of the effective date of this decision, respondent
25 shall submit to the Board or its designee for its prior approval a plan of practice, with standard hours
26 of operation, types of employee and their assigned duties.

27 20. Restriction of Practice - No Employment or Supervision of Physical Therapy Student
28 Interns. Respondent shall not supervise any physical therapy student interns during the entire period

1 of probation. Respondent shall terminate any such supervisory relationship in existence on the
2 effective date of this probation.

3 21. Probation Monitoring Costs. All costs incurred by the Board for probation monitoring
4 during the entire period of probation shall be reimbursed by respondent with a maximum monthly
5 amount of \$175.00. Respondent will be billed at least quarterly. Failure to make the ordered
6 reimbursement within 60 days of the billing shall constitute a violation of the probation order. In
7 addition to the filing of an Accusation or the issuance of an administrative citation, the filing of
8 criminal charges shall be sought when appropriate.

9 ACCEPTANCE

10 I have carefully read and fully understand this Stipulated Decision and Disciplinary Order
11 and have fully discussed it with my attorney Steven Bassoff. I understand that by signing this
12 Stipulated Decision and Disciplinary Order, I am waiving my right to a hearing and I enter into this
13 Stipulation voluntarily, knowingly and intelligently and agree to be bound by its terms and
14 conditions. I further agree that a facsimile copy of this Stipulated Decision and Disciplinary Order,
15 including facsimile copies of signatures, may be used with the same force and effect as the originals.

16 DATED: 02/06/2004.

17
18 Original Signed By:
19 MARY BETH KIEFER
Respondent

20 I have read and fully discussed with the Respondent, Mary Beth Kiefer, P.T., the terms
21 and conditions and other matters contained in the above Stipulated Decision and Disciplinary Order.
22 I approve its form and content.

23 DATED: 02/06/2004

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25 Original Signed By:
26 STEVEN B. BASSOFF
Attorney for Respondent

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ENDORSEMENT

The foregoing Stipulated Decision and Disciplinary Order is hereby respectfully submitted for consideration by the Physical Therapy Board of California, Department of Consumer Affairs.

DATED: 02/24/2004.

BILL LOCKYER, Attorney General
of the State of California

Original Signed By:
MARA FAUST
Deputy Attorney General

Attorneys for Complainant

**BEFORE THE
DIVISION OF LICENSING
MEDICAL BOARD OF CALIFORNIA
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA**

In the Matter of the Accusation Against:

Case No. 1D-2000-62462

MARY BETH KIEFER, P.T.

2401 J Street
Sacramento, CA 95816

Physical Therapy License No. PT-19549,

Respondent.

DECISION AND ORDER

The attached Stipulated Decision and Disciplinary Order is hereby adopted by the Physical therapy Board of California, Department of Consumer Affairs, as its Decision in the above entitled matter.

This Decision shall become effective on April 23, 2004.

It is so ORDERED March 24, 2004.

Original Signed By: Donald Chu, PhD, PT
FOR THE DIVISION OF LICENSING
MEDICAL BOARD OF CALIFORNIA
DEPARTMENT OF CONSUMER AFFAIRS